

September 2003

## **STRATEGIC PLAN FOR THE OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES**

### Mission Statement

From the very beginning of the homeland security effort, the Bush Administration has emphasized the need to protect and enhance our civil rights and civil liberties. Just weeks after the September 11<sup>th</sup> terrorist attacks, President Bush told a conference of federal prosecutors that, “[W]e have a huge responsibility, and that’s to defend America while protecting our great liberties.” Secretary Ridge recently said, “[O]ur strategy and our actions [will be] consistent with the individual rights and civil liberties protected by the Constitution.”

The Administration’s commitment to these principles is demonstrated in part by the appointment of an Officer for Civil Rights and Civil Liberties within the senior leadership of the Department of Homeland Security. The purpose of this document is to lay out the Office’s broad mission statement as well as a specific operating plan.

*The mission of the Office is to protect civil rights and civil liberties and to support homeland security by providing the Department with constructive legal and policy advice on the full range of civil rights and civil liberties issues the Department will face, and by serving as an information and communication channel with the public regarding all aspects of these issues.*

The Office will work closely with a number of other components within DHS, including the General Counsel, the Privacy Officer, and the Inspector General. Establishing positive relationships with these components will be a key to the Office’s effectiveness.

The Office for Civil Rights and Civil Liberties will have five key objectives:

*Objective 1: Establish an effective and efficient Office for Civil Rights and Civil Liberties.* This objective focuses on a number of management issues that must be resolved to properly establish the Office.

*Objective 2: In close cooperation with the General Counsel, provide legal and policy advice to the Secretary and senior officers at DHS with regard to issues and initiatives that may have an impact on civil rights or civil liberties.* The Office will provide constructive advice so that policy is shaped in ways that are mindful of and consistent with civil rights and civil liberties.

*Objective 3: Develop proactive initiatives that will demonstrate the Department’s commitment to civil rights and civil liberties.* In addition to reacting to issues raised by other components within DHS, the Office will also take the initiative in developing projects that will enhance civil rights and civil liberties.

*Objective 4: Communicate with the public to explain DHS's commitment to civil rights and civil liberties.* The Office will play an active role in communicating with the public, both by listening to people's concerns and by advancing the Department's positions in public forums.

*Objective 5: Develop a state-of-the-art equal employment opportunity office within DHS.* The Office will strive to make the Department's EEO program a model for the government.

Throughout its work, the attorneys and professionals who staff the Office for Civil Rights and Civil Liberties will be guided by four principles:

- **Integrated** - we will work diligently to be integrated into the daily operations of the Department.
- **Constructive** - we will be skilled at providing proactive legal and policy advice that will assist DHS's senior officers to carry out their various national security and law enforcement initiatives while also protecting civil rights and civil liberties.
- **Professional** - we will establish a culture of professionalism, including a rigorous approach to the law, timeliness, strong writing skills, a strong ethic of nonpartisanship, and the ability to listen to all points of view.
- **Innovative** – we will search for creative solutions to ensure that the Department's objectives are met while also protecting civil rights and civil liberties. Harvard law professor Randall Kennedy argues that the "inherited debates" on race and civil rights "have become increasingly sterile ... [U]seful prescriptions for problems as complex as those generated by the imperatives of law enforcement in our large, rambunctious, multiracial society can arise only from thinking that frees itself of reflexive obedience to familiar signals."<sup>1</sup> We will promote innovation in many ways: respecting and valuing the contributions of immigrants to America while also enhancing the integrity of our nation's immigration laws and borders; integrating people with disabilities into the effort to secure our homeland; enhancing the use of alternative dispute resolution systems; and, embracing the expansion of technological developments such as biometric identifiers while also enhancing privacy and individualism in the 21st century.

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<sup>1</sup> Randall Kennedy, *Race, Crime and the Law* (Pantheon Books, 1991).

## Operating Plan

*Objective 1: Establish an effective and efficient Office for Civil Rights and Civil Liberties.* This objective focuses on a number of management issues that must be resolved to properly establish the Office.

- Develop a Strategic Plan
- Develop a Staffing Plan
- Develop a Proposed Budget for Fiscal Years 04 and 05
- Clarify the Relationship with the Office of General Counsel
- Clarify the Relationship with the Office of the Inspector General
- Develop a Plan for Monitoring Compliance with Federal Civil Rights Laws
  - Develop a process for receiving, processing, investigating and resolving complaints that DHS personnel have violated a private citizen's civil rights or civil liberties.
  - Develop a system to encourage compliance by grant recipients with civil rights laws and regulations.

*Objective 2: In close cooperation with the General Counsel, provide legal and policy advice to the Secretary and senior officers at DHS with regard to issues and initiatives that may have an impact on civil rights or civil liberties.* The Office will provide constructive advice so that policy is shaped in ways that are mindful of and consistent with civil rights and civil liberties.

- Provide advice on the prevention of racial profiling
- Provide civil liberties perspective on issues involving identity documents, including US Visit, TWIC, and other identity or credentialing efforts.
- Provide advice on CAPPS II
- Provide advice on the DOJ IG's report on the detention of immigrants post 9/11
- Assist in strengthening training at the Federal Law Enforcement Training Center ("FLETC") on the Constitution and federal civil rights laws
- Provide advice on a wide range of issues dealing with the detention of immigrants

*Objective 3: Develop proactive initiatives that will demonstrate the Department's commitment to civil rights and civil liberties.* In addition to reacting to issues raised by other components within DHS, the Office will also take the initiative in developing projects that will enhance civil rights and civil liberties.

- Develop policies and initiatives to advance the interests of people with disabilities
  - Sign the CAP agreement, to provide accommodations for employees with disabilities.
  - Prepare a reasonable accommodations policy for employees with disabilities
  - Create a communications network so that DHS information can quickly reach disability groups
  - Integrate people with disabilities into the emergency planning effort
  - Work with TSA to ensure that screeners interact effectively with people with disabilities.
- Reinforce the value of protecting civil rights and civil liberties throughout the DHS culture
- Develop guidance on how to embrace new technologies, such as biometrics, without creating a national identifier.
- Work with the Brown v. Board of Education 50<sup>th</sup> Anniversary Commission

*Objective 4: Communicate with the public to explain DHS's commitment to civil rights and civil liberties.* The Office will play an active role in communicating with the public, both by listening to people's concerns and by advancing the Department's positions in public forums. We will be conscious of the need to communicate both with those in Washington, D.C., as well as those around the country.

- Create a webpage
- Accept appropriate opportunities to speak at public forums to present DHS's position
- Meet regularly with civil rights and civil liberties interest groups, both here in Washington, D.C., and around the country.

*Objective 5: Develop a state-of-the-art equal employment opportunity office within DHS.* The Office will strive to make the Department's EEO program a model for the government.

- Process EEO complaints in a timely fashion
- Develop a long-term strategy for the EEO function within DHS

- Establish effective EEO policies and procedures
- Develop methods to ensure that job openings receive wide dissemination
- Establish effective information management systems
- Analyze complaint trends to determine root causes and make recommendations for dispute prevention strategies